Defence Determination 1998/30

I, NICHOLAS JEFFERSON FORD, Director General Financial Conditions, Defence Personnel Executive, acting under a delegation made by the Minister for Defence under regulation 72A of the Defence Force Regulations, make the following Determination under section 58B of the Defence Act 1903.

Dated 18 August 1998

N.J. FORD
Air Commodore
Director General Financial Conditions
Defence Personnel Executive
PART 1 – Preliminary

1.1 Citation
1.1.1 This Determination may be cited as Defence Determination 1998/30, Housing Assistance.

1.2 Commencement
1.2.1 This Determination commences on 3 September 1998.

1.3 Application
1.3.1 This Determination applies to a member rendering continuous full-time service in Australia.

1.4 Definitions
1.4.1 In this Determination:

“deployment” has the same meaning as in Defence Determination 1994/27;

[NOTE: Defence Determination 1994/27 deals with Deployment Allowance.]

“Group Rent Scheme” means the Defence Force scheme under which a member may be allocated a married quarter appropriate to rank and the requirements of the member’s dependants;

“hotel” includes a motel, boarding house or other similar establishment, but does not include a serviced apartment;

“RA” means Rent Allowance;

“rank” means worn rank;

“relevant leasing period”, in relation to a lease or tenancy agreement, means the period beginning on the first day of the lease or agreement and ending on the day on which the lease or agreement expires or is terminated;

“rent” means a charge made for a rented dwelling and includes a charge made for:

(a) a garage at the dwelling; and

(b) in the case of a member without dependants or a member with dependants (separated) – the rental of furniture or household appliances for the dwelling;

“TAA” means Temporary Accommodation Allowance;

“unaccompanied member” means a member who is entitled to overseas conditions of service under Overseas Defence Determination 1995/26 as if the member were an unaccompanied officer of the Australian Public Service within the meaning of Public Service Determination 1994/162;

“utilities” means:
(a) fuel for heating, cooling and cooking;
(b) electricity;
(c) water, but not including excess water; and
(d) the disposal of garbage and sewage;

“utility connection deposit” means a deposit levied by a water, gas or electricity supply authority for supply, through existing facilities, of water, gas or electricity services to rented accommodation.

[NOTE: The Defence Act 1903 and Defence Determination 1991/45 contain definitions of other terms that may apply to this Determination.]

1.5 Member and any dependants
1.5.1 In this Determination, a reference to a member and any dependants, in relation to accommodation or related assistance provided separately for the dependants on a temporary basis or following the member’s death, may include a reference to the member only or to the dependants only, as the case requires.

1.6 Date of purchase or sale of own home
1.6.1 In this Determination, a reference to the date on which a member purchases or sells an own home is a reference to the date on which the member enters into a legally enforceable contract with a person for the purchase or sale of the home, as the case may be.

1.7 Suitable married quarters
1.7.1 In this Determination, a reference to suitable married quarters at a locality of posting, in relation to a member with dependants, is a reference to married quarters that the CDF is satisfied are:

(a) available for the use of the member and dependants at the locality within a period that the CDF considers reasonable; and
(b) suitable for the residential requirements of the member and dependants at the locality, having regard to:
   (i) the member’s entitlement under the Group Rent Scheme;
   (ii) the number, age and gender of the member’s dependants; and
   (iii) any other factor relevant to the accommodation requirements of the member and dependants.
1.8 Suitable own home
1.8.1 In this Determination, a reference to a suitable own home, in relation to a member with dependants, is a reference to the member’s own home at the member’s locality of posting, unless:

(a) the CDF considers it unreasonable for the member to live in the home, having regard to:

(i) the number, age and gender of the member’s dependants;

(ii) in the case of a member who is entitled to RA at the locality of posting and who purchases an own home at the locality – the period for which the member is to continue to serve at the locality after the date of purchase; and

(iii) any other factor relevant to the interests of the Service or the accommodation requirements of the member and dependants; or

(b) all the following subparagraphs apply in relation to the home:

(i) the home is subject to a lease signed before the member was notified in writing of the posting;

(ii) the lease agreement includes a release clause of 3 months or less; and

(iii) the member makes reasonable efforts to obtain vacant possession of the home as soon as possible after the notification of posting.

1.9 Appropriate living-in accommodation
1.9.1 In this Determination, a reference to appropriate living-in accommodation at a locality of posting, in relation to a member, is a reference to living-in accommodation that is appropriate to the member’s rank, unless the CDF is satisfied, having regard to the factors set out in subclause 1.9.2, that it would be severely detrimental to the member to live in the accommodation.

1.9.2 The factors for the purpose of subclause 1.9.1 are:

(a) any extraordinary or exceptional circumstances relating to the member;

(b) any advice relating to the member’s health and welfare, including advice from a chaplain, a registered medical practitioner, a social worker or a member of a related profession; and

(c) any other factor relevant to the member’s accommodation requirements.

1.10 Suitable accommodation
1.10.1 In this Determination, a reference to suitable accommodation at a locality of posting, in relation to a member, is a reference to:

(a) in the case of a member with dependants – suitable married quarters, the member’s
suitable own home or a dwelling for which the member is entitled to RA; and

(b) in the case of a member without dependants or a member with dependants (separated) – appropriate living-in accommodation or a dwelling for which the member is entitled to RA.

1.11 Serviced apartment
1.11.1 In this Determination, a reference to a serviced apartment is a reference to accommodation that the CDF approves as a serviced apartment, having regard to:

(a) the similarities between the facilities in the accommodation and those generally available in an apartment or flat;

(b) the extent of cooking and dining facilities available in the accommodation; and

(c) the extent of services provided to the occupant of the accommodation.

1.12 Rank group
1.12.1 In this Determination, a reference to a rank group, in relation to a member, is to be read as a reference to the rank group in which the member is classified for the purposes of assessing the member’s housing entitlements and rent obligations, as specified in column 1 of Part 3 of Schedule 4 to Defence Determination 1996/16 opposite the member’s rank.

1.13 Other locality taken to be member’s locality of posting in certain circumstances
1.13.1 In this Determination, a member’s locality of posting is taken to be or to include:

(a) in the case of a member with dependants who is assigned for duty for more than 6 months with a deployment and is an unaccompanied member because of the potentially hazardous nature of the duty – the locality within Australia to which the member is granted a removal of the dependants for compassionate or medical reasons as a consequence of the assignment, if the removal is commensurate with the removal to which the member would have been entitled had the member been posted for the same period in Australia;

(b) in the case of a member with dependants who is undergoing initial entry training, during the period from the beginning of the training until the member becomes entitled to a removal of the member and dependants – the locality at which the dependants live;

(c) in the case of a member who lives outside the locality of posting – whichever of the following two options results in the lower rent ceiling applicable to the member:

(i) the locality in which the member lives; or

(ii) the locality with the highest applicable rent ceiling in which it would be
reasonable for the member to live if the member lived within the locality of posting;

(d) in the case of a member who is posted to a seagoing submarine, a seagoing ship or an aircraft squadron or flight that is liable to embark on a seagoing ship – the locality to which the member is granted a removal; and

(e) in the case of a member who was entitled to RA for a rented dwelling at the losing locality and whose dependants continue to occupy the dwelling – that locality, but only until:

(i) in the case of a member who is classified as a member with dependants (separated) – the member ceases to be so classified; and

(ii) in the case of a member who has received written notification of another posting to take effect in the same calendar year following the member’s posting to the new locality – the end of that calendar year.

1.14 Field conditions
1.14.1 In this Determination, a reference to field conditions is a reference to service away from living-in accommodation, during which the member is provided with accommodation or meals that the CDF declares as substandard, having regard to:

(a) in the case of accommodation – a comparison between the tented or similar accommodation or messing facilities being provided and the accommodation normally provided to a member who lives in; or

(b) in the case of meals – a comparison (in relation to the standard ration scale or the abnormal circumstances in which the meals are prepared or eaten) between the meals being provided and the meals normally provided to a member who lives in.

1.15 Allowance not payable
1.15.1 Except to the extent authorised by clauses 9, 10 and 11 of Determination 2608, Leave Without Pay, a member is not entitled to an allowance or reimbursement under this Determination in relation to any part of a period for which the member is not entitled to salary.

1.16 Allowance payable in special circumstances
1.16.1 If:

(a) a member does not qualify for an allowance or reimbursement under this Determination because the member does not meet 1 or more of the criteria for qualification; and

(b) the CDF is satisfied that:

(i) it is consistent with the objects of the provision generally of that allowance or
reimbursement that it be paid in the particular circumstances; and

(ii) the member does not qualify because of circumstances beyond the reasonable control of the member,

the CDF may approve payment to the member of an amount that is reasonable in the circumstances, not exceeding the amount that would have been payable if the member had been entitled to the allowance or reimbursement.

**PART 2 – Temporary Accommodation Allowance**

2.1 Purpose

2.1.1 The purposes of this Part are:

(a) to authorise an allowance assisting the following persons, who are obliged to obtain temporary accommodation at a locality, with the cost of that accommodation and (in certain circumstances) other related costs:

(i) members who are entitled to housing assistance under this Determination, and who are temporarily unable to occupy suitable accommodation;

(ii) members or former members who are granted a removal to a locality on completion of service; and

(iii) dependants of a deceased member who are granted a removal to a locality; and

(b) to specify the conditions under which persons who are entitled to such an allowance must pay contributions to the Commonwealth for temporary accommodation and other related benefits.

2.2 Standard of accommodation appropriate to member

2.2.1 In this Part, a reference to the standard of accommodation appropriate to a member at a locality is a reference to accommodation for the member and any dependants at a standard equivalent to the standard that would be available to the member at a cost no greater than the Travelling Allowance to which the member would be entitled for accommodation during travel on duty of less than 21 days at the locality.

2.3 CDF may direct member to occupy particular kind of temporary accommodation

2.3.1 The CDF may direct a member and any dependants to occupy either a hotel or a serviced apartment at a locality for the purposes of this Part, having regard to:

(a) the general cost, standard and availability of temporary accommodation at the locality;

(b) the location of the hotel or serviced apartment;

(c) the number, age, gender and circumstances of the dependants;
(d) the period for which the member and any dependants are expected to remain in the accommodation; and

(e) any other factor relevant to the temporary accommodation.

2.4 Member able to occupy suitable accommodation in certain circumstances
2.4.1 For the purposes of this Part, a member is able to occupy suitable accommodation at a locality of posting if the accommodation is provided with, or there has been delivered to the accommodation, a sufficient quantity of furniture or effects to enable the member and any dependants (as the case requires) to occupy the accommodation on a normal domestic basis.

2.5 Entitlement to TAA
2.5.1 If:

(a) a member has a suitable own home or is entitled to housing assistance by way of living-in accommodation, married quarters or RA at the member’s locality of posting;

(b) any of the following circumstances applies to the member and any dependants:

(i) the member and any dependants are temporarily unable to occupy suitable accommodation;

(ii) the member is a member with dependants or a member with dependants (separated), and the member elects in writing to purchase an own home at the locality; or

(iii) the member and any dependants are temporarily unable to occupy suitable accommodation during any temporary duty that the member is required to perform at a locality in Australia while in transit from a long-term posting overseas to a new locality of posting in Australia;

(c) as a result of those circumstances, the member and any dependants are obliged to occupy temporary accommodation,

the member is entitled to TAA during the period of entitlement at a rate calculated under the formula:

\[
(\text{Accommodation cost} + \text{Meal cost} + \text{Laundry cost}) - \text{Contribution}
\]

where:

“Accommodation cost” means the cost of accommodation for the member and any dependants not exceeding the standard of accommodation appropriate to the member;

“Meal cost”, in relation to meals taken by a member and any dependants, means:
(a) in the case of the member and any dependant who is at least 10 – an amount equal to the sum of whichever is applicable of the amounts specified in column 2 or 3 of Part 2 of Schedule 2 to Defence Determination 1996/16 for each meal and the locality at which the meal is taken; and

(b) in the case of any dependant who is less than 10 – an amount equal to half the amount specified under paragraph (a);

“Laundry cost” means the cost of laundry (excluding dry cleaning) for the member and any dependants, if the temporary accommodation has no laundry facilities or such facilities are available only at extra charge;

“Contribution” means:

(a) in the case of a member and any dependants accommodated in a hotel – a hotel contribution calculated under clause 2.7; and

(b) in the case of a member and any dependants accommodated in a serviced apartment – a serviced apartment contribution calculated under clause 2.8.

2.6 Excess costs for meals

2.6.1 If the CDF is satisfied, having regard to the factors set out in subclause 2.6.2, that the amounts authorised for a member and any dependants in the definition of “meal cost” in clause 2.5 are insufficient to meet the costs necessarily incurred by the member and any dependants for meals (excluding alcoholic beverages and gratuities), the member is entitled to an amount of TAA equal to the difference between those costs and the amount of meal costs that would otherwise be payable.

2.6.2 The factors for the purpose of subclause 2.6.1 are:

(a) the nature and amount of costs the member and any dependants incur for meals;

(b) the general cost of meals at the locality where the temporary accommodation is situated; and

(c) any other factor relevant to the costs incurred by the member and any dependants.

2.7 Hotel contribution

2.7.1 For the purpose of paragraph (a) of the definition of “contribution” in clause 2.5, the hotel contribution is:

(a) in the case of a member with dependants – an amount equal to the sum of:

(i) the rent contribution that would apply if the member were entitled to RA in relation to occupancy of the hotel by the member and any dependants;
(ii) a contribution for meals equal to the amount or the sum of the amounts specified in relation to the member and any dependants in columns 2 to 6 of Part 3 of Schedule 2 to Defence Determination 1996/16 opposite the member’s salary; and

(iii) a contribution for utilities at the rate specified in paragraph 8.1(a) of Defence Determination 1996/16; and

(b) in the case of a member without dependants or a member with dependants (separated) – an amount equal to the sum of:

(i) the contribution for living-in accommodation that would be payable by the member under Part 3, if the hotel were level 3 living-in accommodation; and

(ii) a contribution for utilities at the rate specified in paragraph 8.1(a) of Defence Determination 1996/16; and

2.8 Serviced apartment contribution

2.8.1 For the purpose of paragraph (b) of the definition of “contribution” in clause 2.5, the serviced apartment contribution is:

(a) in the case of a member with dependants – an amount equal to the sum of:

(i) the rent contribution that would apply if the member were entitled to RA in relation to occupancy of the serviced apartment by the member and any dependants;

(ii) if the member and any dependants occupy the serviced apartment for less than a week – a contribution for meals equal to the amount or the sum of the amounts specified in relation to the member and any dependants in columns 2 to 6 of Part 3 of Schedule 2 to Defence Determination 1996/16 opposite the member’s salary; and

(iii) a contribution for utilities at the rate specified in paragraph 8.1(a) of Defence Determination 1996/16; and

(b) in the case of a member without dependants or a member with dependants (separated) – an amount equal to the sum of:

(i) the contribution for living-in accommodation that would be payable by the member under Part 3, if the serviced apartment were level 3 living-in accommodation; and

(ii) if the member occupies the serviced apartment for less than a week – the contribution for meals that would be payable by the member under clause 4.2,
if the member were occupying living-in accommodation.

2.9 Member occupying temporary accommodation above standard
2.9.1 If a member and any dependants occupy temporary accommodation at a standard exceeding the standard appropriate to the member, the member’s accommodation cost under clause 2.5 is to be the amount that the CDF considers reasonable for the accommodation, having regard to:

(a) the member’s rank;

(b) the member’s circumstances in relation to dependants;

(c) the availability of accommodation at a standard appropriate to the member at the locality; and

(d) any other factor relevant to the member’s temporary accommodation.

2.10 Other temporary accommodation
2.10.1 If a member and any dependants would qualify for TAA under this Part but are accommodated at a place other than a hotel, a serviced apartment or the member’s own home, and the costs incurred by the member for accommodation, meals and utilities for the member and any dependants exceed the member’s hotel contribution under clause 2.7, the CDF may approve payment of an allowance to the member of a weekly amount equal to the excess costs, if the CDF is satisfied, having regard to the factors in subclause 2.10.4, that the excess costs are reasonable.

2.10.2 In assessing the amount of allowance to which a member is entitled under subclause 2.10.1:

(a) the amount for meals taken at a place other than the place of accommodation is not to exceed the amount authorised in the definition of “meal costs” in clause 2.5; and

(b) if the number of such meals exceeds half the meals taken by the member and any dependants during the period of entitlement, the excess meals are not to be included in the assessment of TAA under this clause.

2.10.3 If the number of meals taken at a place other than the place of accommodation exceeds half the meals taken by the member and any dependants during the period of entitlement, the CDF may approve inclusion of some or all the excess meals in the assessment of TAA under this clause if the CDF considers it justified, having regard to the factors in subclause 2.10.4.

2.10.4 The factors for the purpose of subclauses 2.10.1 and 2.10.3 are:

(a) the costs incurred by the member for accommodation and meals for the member and any dependants;
(b) the member’s circumstances in relation to dependants;

(c) the circumstances at the place of accommodation;

(d) the cost of the standard of accommodation appropriate to the member; and

(e) any other factor relevant to the member’s temporary accommodation.

2.11 Food and meals – serviced apartments

2.11.1 If a member and any dependants occupy a serviced apartment for more than a week, the rate of TAA to which the member is entitled from the beginning of the occupancy under clause 2.5 is to be varied by omitting meal costs and substituting an amount for the member and each dependant equal to 75 per cent of the amount payable under the definition of “meal cost” in that clause for 5 breakfasts, 5 lunches and 5 dinners.

2.11.2 A member to whom this clause applies is not entitled to any other amount of TAA for meals.

2.12 Period of entitlement – cases other than completion of service or death

2.12.1 Except as provided by subclauses 2.13.3 and 2.14.3, a member’s period of entitlement is the period beginning on the day on which the member becomes entitled to TAA under clause 2.5 and (subject to the discretion of the CDF to extend the period under clause 2.16) not exceeding:

(a) in the case of an entitlement arising from the arrangements for departure of the member and any dependants from the losing locality – 3 nights;

(b) in the case of an entitlement arising from temporary duty performed at a locality in Australia by a member in transit from a long-term posting overseas to a new locality of posting in Australia – the period of temporary duty;

(c) in the case of an entitlement arising from the arrangements for the arrival of the member and any dependants at a new locality of posting – 6 weeks; and

(d) in the case of an entitlement arising from the arrangements for the accommodation of the member and any dependants at the member’s existing locality of posting – 3 nights.

2.12.2 A member’s period of entitlement at a locality of posting is not to begin before the first day of the period of posting in relation to the locality.

2.12.3 If approval is given for the member and dependants to travel separately to a new locality of posting and as a result of that approval the member would arrive at the locality on a date other than the date of arrival of the dependants, the period of entitlement may include:
(a) a period at the losing locality which will enable the dependants to begin their journey to, and arrive at, the locality of posting on the same date as the member; and

(b) a period at the new locality of posting which will enable the member to complete the journey and be reunited with the dependants.

2.12.4 The period of entitlement of a member who is granted a removal on a posting of more than 6 months to a locality (other than a member who is unable to immediately occupy a suitable own home) is to cease on the day on which the removal to suitable accommodation would have been completed, if the member:

(a) does not apply for the allocation of suitable married quarters or appropriate living-in accommodation (as the case requires); or

(b) refuses an offer of such quarters or accommodation.

2.13 Entitlement on completion of service

2.13.1 If a member is granted a removal within Australia in connection with completion of service, and the member and any dependants are obliged to occupy temporary accommodation for reasons directly associated with the removal, the member is entitled to TAA under this Part as if clause 2.5 applied to the member.

2.13.2 If this clause applies to a former member, the contribution payable by a former member is an amount equal to the hotel or serviced apartment contribution (as the case requires) that the former member would have been required to pay under this Part for temporary accommodation occupied in the same circumstances immediately before discharge.

2.13.3 Subject to the discretion of the CDF to extend the period under clause 2.16, the period of entitlement of a member to whom this clause applies is not to exceed:

(a) at the losing locality – 3 nights; and

(b) at the locality to which the removal is being effected – the period required to deliver the member’s furniture and effects to a dwelling or to storage (as requested by the member) at the locality.

2.14 Entitlement on death of a member

2.14.1 If dependants of a deceased member are granted a removal within Australia following the member’s death, and the dependants are obliged to occupy temporary accommodation for reasons directly associated with the removal, the dependants are entitled to TAA under this Part as if clause 2.5 applied to the dependants.

2.14.2 The contribution payable by dependants to whom this clause applies is an amount equal to the hotel or serviced apartment contribution (as the case requires) that the deceased member would have been required to pay under this Part for temporary accommodation occupied by the dependants in the same circumstances immediately before the member’s death.
2.14.3 Subject to the discretion of the CDF to extend the period under clause 2.16, the period of entitlement of dependants to whom this clause applies is not to exceed:

(a) at the locality from which the removal is being effected – 3 nights; and

(b) at the locality to which the removal is being effected – 2 weeks.

2.15 TAA not payable for delays caused by own default or at own request
2.15.1 TAA is not payable while a member and any dependants occupy temporary accommodation in circumstances arising as a result of own default or the member’s own request to extend the period that the member’s furniture and effects are in transit.

2.16 Discretion to extend period of entitlement
2.16.1 If:

(a) the circumstances giving rise to the entitlement of a member or dependant to TAA under this Part cannot be resolved within the period of entitlement specified for the member or dependant; and

(b) the CDF is satisfied, having regard to the factors set out in subclause 2.16.2, that more time should be allowed to resolve those circumstances,

the CDF may extend the period of entitlement of the member or dependant to a day that the CDF considers reasonable in the circumstances.

2.16.2 The factors for the purpose of paragraph 2.16.1(b) are:

(a) the particular circumstances of the member and any dependants;

(b) the reasonable accommodation needs of the member and any dependants;

(c) the availability of suitable accommodation at the locality;

(d) the action taken by the member and the Commonwealth in relation to the accommodation arrangements of the member and any dependants;

(e) the efficient operation of the Defence Force;

(f) the costs associated with extension of the period of entitlement; and

(g) any other factor relevant to the accommodation arrangements of the member and any dependants.

PART 3 – Contributions by members for living-in accommodation

3.1 Purpose
3.1.1 The purpose of this Part is to specify the conditions under which members must pay contributions to the Commonwealth for the provision of living-in accommodation by the Commonwealth.

3.2 Contribution for accommodation

3.2.1 If a member lives in, the member must pay to the Commonwealth a contribution for living-in accommodation equal to:

(a) in the case of a normal entry recruit (other than an officer) during initial recruit training – nil;

(b) in the case of any other trainee – the rate specified in Part 1 of Schedule 4 to Defence Determination 1996/16 for a member with the rank of Private occupying Level 1 accommodation, multiplied by the percentage rate specified in column 2 of the following table opposite the description of the member’s accommodation arrangements:

<table>
<thead>
<tr>
<th>Member’s accommodation arrangements</th>
<th>Percentage of amount (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member not sharing</td>
<td>100</td>
</tr>
<tr>
<td>Member sharing with 1 other person</td>
<td>50</td>
</tr>
<tr>
<td>Member sharing with 2 other persons</td>
<td>33</td>
</tr>
<tr>
<td>Member sharing with 3 or more other persons</td>
<td>Nil</td>
</tr>
</tbody>
</table>

(c) in the case of a member who is granted leave without pay (other than part-time leave without pay) – the amount specified in Part 2 of that Schedule for the member’s category of accommodation;

(d) in the case of a member who is granted more than 5 days of part-time leave without pay in each pay period during the period of leave – an amount equal to 150 per cent of the rate specified in Part 1 of that Schedule for the level of the member’s accommodation opposite the description of the member; and

(e) in any other case – the rate specified in Part 1 of that Schedule for the level of the member’s accommodation opposite the description of the member.

3.3 Method of calculating a period of contribution

3.3.1 When calculating a member’s liability for a contribution under this Part for a period of more than 1 day, the first day of the period is taken into account but not the last day.

3.4 Member taken not to be on leave without pay in special circumstances
3.4.1 The CDF may direct that a member who is granted a period of leave without pay (other than part-time leave without pay) is taken not to be on leave without pay during the period for the purposes of clause 3.2, having regard to any extraordinary or exceptional reasons for which the leave without pay was granted.

3.5 Contribution for accommodation not payable
3.5.1 A member is not required to pay a contribution for accommodation under this Part for a period in which the member is:

(a) a member with dependants (separated);

(b) a member without dependants who is required to live in temporarily for Service reasons, if the member:

(i) normally lives out;

(ii) retains the living-out accommodation; and

(iii) while living in, is not entitled to any allowance for that accommodation;

(c) in relation only to the contribution that would otherwise be payable at a locality where the member performs temporary duty – entitled to Travelling Allowance while living in at that locality;

(d) absent from the accommodation on leave for more than 72 hours, if the member elects not to retain the accommodation;

(e) in hospital;

(f) in custody or undergoing imprisonment or detention under the Defence Force Discipline Act 1982;

(g) living under field conditions or on board a seagoing ship;

(h) posted to a seagoing submarine;

(i) entitled to Antarctic Allowance; or

(j) a member of the Reserve Forces who is required to live in temporarily for Service reasons while fulfilling a training commitment with the Reserve Forces.

3.6 Member occupying accommodation provided for a lower rank
A member who occupies living-in accommodation of a standard normally provided for members with a lower rank is taken, for the purpose of assessing the member’s contribution or accommodation under clause 3.2, to hold a rank for which accommodation of that standard would be appropriate.
3.7 **Resident medical officer**

3.7.1 For the purposes of this Part:

(a) residential quarters provided by a hospital during a period of compulsory residency to a member who is a resident medical officer are to be treated as living-in accommodation; and

(b) if the member is required by the hospital to live in the accommodation, such a requirement is to be treated as a Service requirement.

**PART 4 – Contributions by members for meals**

4.1 **Purpose**

4.1.1 The purpose of this Part is to specify the conditions under which members must pay meal contributions or casual meal charges to the Commonwealth for the provision of meals by the Commonwealth.

4.2 **Contribution for meals**

4.2.1 Subject to clause 4.6, if a member is regularly provided with meals by the Commonwealth, the member must pay to the Commonwealth a contribution for meals at the rate specified in column 2 of Part 4 of Schedule 2 to Defence Determination 1996/16 opposite the description of the member, unless the member elects in writing not to be so provided with meals.

4.2.2 When calculating a member’s liability for a contribution under this clause for a period of more than 1 day, the first day of the period is taken into account but not the last day.

4.3 **Contribution for meals not payable**

4.3.1 Subject to subclause 4.3.2, a member who lives in is not required to pay a contribution for meals for any part of a period in which:

(a) a contribution for living-in accommodation is not payable; or

(b) the member is absent on leave for more than 72 hours.

4.3.2 Paragraph 4.3.1(a) has no effect on the contribution for meals payable by:

(a) a member with dependants (separated); or

(b) a normal entry recruit (other than an officer) during initial recruit training,

at the locality where the member normally lives in.

4.4 **Restrictions on election not to be provided with meals**

4.4.1 A member who is engaged in initial recruit training may not make an election under
subclause 4.2.1.

4.4.2 An election made under subclause 4.2.1 at a locality of posting remains in force until revoked by the member or until the end of the member’s period of posting at the locality, whichever occurs first.

4.4.3 A member may not revoke an election made under subclause 4.2.1 less than 3 months after the election was made.

4.5 Casual meal charges
4.5.1 If a member elects under subclause 4.2.1 not to be regularly provided with meals by the Commonwealth, the member must pay to the Commonwealth a casual meal charge for each meal provided to the member by the Commonwealth at the rate specified for the meal in column 2 of Part 5 of Schedule 2 to Defence Determination 1996/16 opposite the description of the member.

4.6 Member on leave without pay – effect on contribution for meals
4.6.1 If a member lives in while on leave without pay (other than part-time leave without pay), the member must pay to the Commonwealth a contribution for each meal provided to the member by the Commonwealth at the rate specified for the meal in column 2 of Part 6 of Schedule 2 to Defence Determination 1996/16 opposite the description of the member.

4.6.2 The CDF may direct that a member who is granted a period of leave without pay is taken not to be on leave without pay during the period for the purposes of this clause, having regard to any extraordinary or exceptional reasons for which the leave without pay was granted.

4.7 Member taking meals in a mess provided for a lower rank
4.7.1 A member who takes meals in a mess provided for members with a lower rank is taken, for the purpose of assessing the member’s contribution for meals or casual meal charge in relation to the meals under this Part, to hold the rank of a member for whom the mess is provided.

4.8 Officer or senior NCO taking meals in a mess without steward service
4.8.1 If a member:

(a) is an officer (other than a trainee), a Warrant Officer or a non-commissioned officer with a rank not below Sergeant;

(b) takes meals in a mess where stewards, waiters or other attendants are not provided to serve food to individual members at table,

the member’s contribution for meals or casual meal charge in relation to the meals under this Part is to be the same as that payable by a member with the rank of Private.
PART 5 – Rent Allowance

5.1 Purpose
5.1.1 The purposes of this Part are:

(a) to assist members with the cost of housing, if they are entitled to living-in accommodation or married quarters but are obliged to obtain housing on the private rental market at a locality; and

(b) to specify the conditions under which members must pay contributions for such housing.

5.2 Specified period
5.2.1 In this Part, a reference to the specified period is a reference to the period beginning on:

(a) the first day of the member’s period of posting; or

(b) any subsequent day during that posting on which the member and any dependants become unable to occupy suitable accommodation for reasons other than own default,

and ending:

(c) in the case of a member who is posted to a locality and possesses an own home at the locality that would be a suitable own home but for paragraph 1.8.1(b) – 3 months after the first day of the member’s period of posting or on the day when the member obtains vacant possession of the home, whichever occurs first;

(d) in the case of a member who is posted to a locality and purchases a suitable own home at the locality – 3 months after the date of purchase or on the day when the member and dependants occupy the home, whichever occurs first; and

(e) in any other case – after 6 weeks.

5.3 Entitlement to RA
5.3.1 This clause applies to a member who at the locality of posting:

(a) is unable, during the specified period, to obtain suitable accommodation comprising:

(i) in the case of a member with dependants – suitable married quarters or a suitable own home; and

(ii) in the case of a member without dependants or a member with dependants (separated) – appropriate living-in accommodation,

that is available for use by the member and any dependants at the locality for a period
of more than a month; or

(b) rejects an offer of suitable accommodation of that kind and the accommodation can be allocated to another member within a month.

5.3.2 If a member to whom this clause applies is obliged to occupy a rented dwelling at the locality of posting for use as a residence by the member and any dependants, the member is entitled, during the period of posting, to RA for the dwelling at a rate calculated under the formula:

\[
\text{Rent} - \text{Contribution}
\]

where:

“Rent” means the lesser of:

(a) the weekly rent incurred by the member for the rented dwelling; and

(b) the rent ceiling applicable to the member under Annex A;

“Contribution” means the rent contribution applicable to the member under Annex B.

5.4 RA on promotion or reduction in rank

5.4.1 Promotion has no effect on the RA to which a member is entitled for the dwelling occupied by the member on the day on which the promotion takes effect, unless the member elects for the RA to be reassessed on the basis of the higher rank with effect from that day.

5.4.2 Reduction in rank has no effect on the rent ceiling applicable to a member for the dwelling occupied by the member on the day on which the reduction takes effect, but if a lower rank group applies to the member as a result of the reduction in rank, the member’s rent contribution is to be correspondingly reduced with effect from that day.

5.5 Reimbursement of bond money and utility connection deposit

5.5.1 If a member who is entitled to RA for a dwelling pays, in relation to the dwelling:

(a) bond money required to be paid under the terms of a lease;

(b) a utility connection deposit;

(c) stamp duty charged by the Commonwealth or a State or Territory; or

(d) professional legal charges for preparing a lease,

the member is entitled to an allowance equal to the amount paid, or a lesser amount that the member nominates.

5.5.2 An allowance for professional legal charges for preparing a lease is not to exceed the
amount of charges commonly imposed in the relevant State or Territory for preparing a lease of that kind.

5.5.3 A member must repay to the Commonwealth the amount of an allowance under paragraph 5.5.1(a) or 5.5.1(b) at the earlier of:

(a) the termination of RA payments for the dwelling; or

(b) the end of the relevant leasing period,

but the member is not required to repay any part of the allowance equal to an amount of bond money or utility connection deposit that the member forfeits as a direct result of Service requirements.

5.5.4 If a member receives an amount of money as interest accrued on the bond money, the member must repay to the Commonwealth an amount equal to the amount of the interest immediately after the member receives the amount.

5.6 **Transitional entitlement on cessation of RA**

5.6.1 If a member is entitled to RA for a dwelling and, but for this clause, the entitlement would cease because:

(a) in the case of a member with dependants – suitable accommodation of a kind referred to in paragraph 1.10.1(a) becomes available; or

(b) in the case of a member without dependants or a member with dependants (separated) – living-in accommodation becomes appropriate for the member because of a material change in the circumstances considered by the CDF under clause 1.9,

the member continues to be entitled to RA, as if that accommodation did not become available or those circumstances did not change, as the case may be, for a period of a month or a longer period that the CDF considers reasonable in the circumstances, having regard to:

(c) the remaining period of the member’s posting;

(d) the cost to the Commonwealth of providing the member with a removal to that accommodation;

(e) the period required by the member to vacate the dwelling;

(f) the minimum period allowed under a lease for the member to vacate the dwelling;

(g) the steps taken by the member to ensure that a suitable clause was included in the lease to enable the member to vacate the dwelling within one month; and

(h) any other factor relevant to the member’s accommodation arrangements.
5.7 **Member and dependants vacating married quarters**

5.7.1 If a member and dependants:

(a) voluntarily vacate or are required, in circumstances arising through own default, to vacate married quarters; and

(b) are obliged to occupy a rented dwelling,

the member is not entitled to RA for the dwelling.

5.8 **Cessation of requirement to rent a home with dependants**

5.8.1 If the requirement for a member to rent a dwelling with dependants ceases, the member’s entitlement to RA for the dwelling ceases:

(a) after 1 month; or

(b) when the member and dependants vacate the dwelling,

whichever occurs first.

5.8.2 If the requirement ceases owing to the death of a dependant, the member’s entitlement to RA for the dwelling ceases:

(a) after 3 months from the date of death; or

(b) when the member vacates the dwelling,

whichever occurs first.

5.9 **Deceased member**

5.9.1 If a member dies and the member’s dependants continue to live in a rented dwelling for which the member was entitled to RA, the dependants continue to be entitled to RA for up to 6 months from the date of death, or a longer period that the CDF considers necessary, having regard to:

(a) the dependants’ personal circumstances;

(b) the dependants’ accommodation requirements;

(c) the availability of alternative rented accommodation at the locality; and

(d) any other factor relevant to the dependants’ living arrangements.

5.10 **Member with dependants posted within 12 months of anticipated discharge**

5.10.1 If:

(a) a member with dependants is posted to a new locality within 12 months of the
member’s anticipated date of discharge; and

(b) the member is granted a removal of the dependants to the new locality of posting, or elects to leave the dependants at the losing locality in a rented dwelling for which the member is entitled to RA,

the member is entitled to RA for a rented dwelling at the losing locality or the new locality, as the case may be, for a period ending on whichever is the earlier of the day on which:

(c) the dependants vacate the rented dwelling; or

(d) the member is discharged.

5.11 Dependants proceeding to an elected discharge locality

5.11.1 If, within 12 months of the anticipated date of discharge:

(a) a member elects to be granted a removal of dependants to a locality; and

(b) the removal is granted instead of the removal for which the member would otherwise be eligible on discharge,

the member is entitled to RA for a rented dwelling occupied by the member’s dependants at the locality for a period ending on whichever is the earlier of the day on which:

(c) the member purchases an own home at the locality;

(d) the member is discharged; or

(e) the dependants vacate the rented dwelling.

5.12 Rent paid for a period before occupation of a rented dwelling

5.12.1 If a member:

(a) has paid rent for a period in advance of occupation of a dwelling for which the member will be entitled to RA, in order to secure the dwelling;

(b) for Service reasons or reasons associated with the grant of a removal, the member and any dependants are unable to occupy the dwelling immediately; and

(c) the securing of the dwelling will result in an overall saving to the Commonwealth in relation to the member’s removal,

the member is entitled to be reimbursed the rent paid for an advance period of up to:

(d) in a case where the member’s furniture or effects are still in transit or their delivery is otherwise delayed – 6 weeks; and
(e) in any other case – 3 weeks.

5.13 Payment after occupancy ceases
5.13.1 If:

(a) for Service reasons, a member is required on a day to vacate a rented dwelling for which the member is entitled to RA; and

(b) the member is obliged under the terms of a lease on the dwelling to continue paying rent for a period after that day,

the member continues to be entitled to RA for the period but without deduction of the member’s rent contribution.

5.14 Member on leave without pay not entitled to RA in certain circumstances
5.14.1 A member who is granted a period of leave without pay is not entitled to RA during the period, unless:

(a) the member is on part-time leave without pay;

(b) the member is on leave without pay to care for a child under Determination 2604, Maternity Leave, or paragraph 6(b) or 6(c) of Determination 2608, Leave Without Pay; or

(c) the CDF approves the member’s entitlement to RA during the period, having regard to any extraordinary or exceptional reasons for which the leave without pay was granted.

PART 6 – Utilities

6.1 Purpose
6.1.1 The purposes of this Part are:

(a) to reimburse for the reasonable costs of utilities and laundry those members without dependants and members with dependants (separated) who are:

(i) entitled to RA; or

(ii) occupying an own home in circumstances where the member would otherwise be entitled to RA if the member occupied a rented dwelling; and

(b) to specify the conditions under which members must pay contributions for water.

6.2 Contribution for water
6.2.1 If a member occupies and pays rent for married quarters, the member must pay a contribution for water at the rate specified in paragraph 8.1(d) of Defence Determination 1996/16.
6.3 **Reimbursement for cost of utilities and laundry**

6.3.1 If a member without dependants or a member with dependants (separated) is entitled to RA for a rented dwelling (or occupies an own home in circumstances where the member would otherwise be entitled to RA if the member occupied a rented dwelling), the member is entitled to be reimbursed for any costs that the member incurs for:

(a) that portion of general rates attributable to a levy for utilities;

(b) utilities for the dwelling (excluding costs incurred for swimming-pool heating), up to the limit specified in paragraph 8.1(e) of Defence Determination 1996/16; and

(c) if the dwelling has no laundry facilities or such facilities are available only at extra charge – laundry (excluding dry cleaning), up to the limit specified in paragraph 8.1(f) of that Determination.

6.3.2 If a member incurs costs for utilities or laundry in excess of the limit specified in paragraph 6.3.1(b) or 6.3.1(c), as the case requires, the CDF may substitute a higher limit that the CDF considers reasonable in the circumstances, having regard to:

(a) the condition, nature and rental cost of the member’s dwelling;

(b) the climatic conditions at the member’s locality of posting;

(c) the level of usage of utilities or laundry by the member and by members in similar circumstances at the locality; and

(d) any special circumstances affecting the member that may cause a high level of usage of utilities or laundry.

6.4 **Period of reimbursement – member temporarily absent**

6.4.1 If a member is entitled to be reimbursed for costs that the member incurs for utilities or laundry for a dwelling, and the member is temporarily absent from the dwelling:

(a) on paid leave or temporary duty; or

(b) because the member is:

   (i) in hospital;

   (ii) required, for Service reasons, to live in temporarily; or

   (iii) in custody or undergoing imprisonment or detention under the *Defence Force Discipline Act 1982*.

the reimbursement is to continue for up to a month or for a longer period that the CDF approves,
having regard to:

(c) the reasons for an absence of more than a month;

(d) the circumstances of any paid leave or temporary duty during the absence;

(e) when the member is expected to resume occupancy;

(f) the period required for the member to vacate the accommodation, if necessary; and

(g) any other factor relevant to the absence.
ANNEX A

RENT ALLOWANCE –
CALCULATION OF RENT CEILING

A.1 Definitions
A.1.1 In this Annex:

“appointment house” means a house that is provided for the representative of the CDF in a State or Territory;

“base DHA rent”, in relation to a member’s locality of posting, means the base DHA rent calculated for the locality under subclause A.2.1;

“designated house” means a house that is owned or leased by the DHA and is:

(a) located in Hobartville in New South Wales or Heatley, Kirwin or Vincent in Queensland; or

(b) classified as a substandard house under the Group Rent Scheme;

“DHA” means the Defence Housing Authority;

“DHA rent” means the rent determined from time to time by the DHA under section 59 of the Defence Housing Authority Act 1987;

“house” means a property owned or leased by the DHA, and includes an apartment, townhouse or unit, but does not include:

(a) a house leased on a yield basis;

(b) an appointment house;

(c) a heritage-listed house;

(d) a house located on a Defence Force establishment; or

(e) a designated house;

“rank group 5 house” means a house that a member in rank group 5 would be entitled to occupy under the Group Rent Scheme;

“rank group factor” means a factor calculated in Step 4 of the Method Statement set out in subclause A.2.1.

A.2 Calculation of base DHA rent
A.2.1 For the purpose of calculating the rent ceiling applicable to a member, the base DHA rent
for a locality of posting is calculated by the following method:

<table>
<thead>
<tr>
<th>Method Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Step 1.</strong></td>
</tr>
<tr>
<td><strong>Step 2.</strong></td>
</tr>
<tr>
<td><strong>Step 3.</strong></td>
</tr>
<tr>
<td><strong>Step 4.</strong></td>
</tr>
<tr>
<td><strong>Step 5.</strong></td>
</tr>
<tr>
<td><strong>Step 6.</strong></td>
</tr>
</tbody>
</table>

A.2.2 The bedroom scaling factors for the purpose of Step 2 of the Method Statement in subclause A.2.1 are:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of bedrooms</strong></td>
<td><strong>Bedroom Scaling Factor</strong></td>
</tr>
<tr>
<td>————</td>
<td>————</td>
</tr>
<tr>
<td>3 or fewer</td>
<td>1.0</td>
</tr>
<tr>
<td>4</td>
<td>1.1</td>
</tr>
<tr>
<td>5</td>
<td>1.2</td>
</tr>
<tr>
<td>6</td>
<td>1.3</td>
</tr>
<tr>
<td>7 or more</td>
<td>1.4</td>
</tr>
</tbody>
</table>

A.3 Rent ceiling applicable to member with dependants
A.3.1 The rent ceiling applicable to a member with dependants, in relation to a dwelling at the member’s locality of posting, is an amount equal to the base DHA rent for the locality, multiplied by:
(a) 1.1;

(b) the applicable rank group factor according to the member’s rank group entitlement under the Group Rent Scheme; and

(c) the bedroom scaling factor set out in column 2 of the table in subclause A.2.2 opposite the number of bedrooms in the dwelling,

expressed as a weekly rate, rounded to the nearest $5.

A.4 Rent ceiling applicable to member (other than member with dependants)

A.4.1 The rent ceiling applicable to a member without dependants or a member with dependants (separated), in relation to a dwelling at the member’s locality of posting, is an amount equal to:

(a) in the case of a member who is a sole occupant – 90 per cent of the amount that would be applicable under clause A.3 for a dwelling with 3 bedrooms if the member were a member with dependants, but not exceeding 90 per cent of the amount applicable to a member in rank group 3, unless the member is in a higher rank group and elects in writing to be included in that rank group for the purpose of establishing the member’s rent ceiling; and

(b) in the case of a member who shares the dwelling – the amount calculated under paragraph A.4.1(a) multiplied by the percentage rate specified in column 2 of the following table opposite the description of the member’s accommodation arrangements:

<table>
<thead>
<tr>
<th>Member’s accommodation arrangements</th>
<th>Column 2 Percentage of amount (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member sharing with 1 other person</td>
<td>50</td>
</tr>
<tr>
<td>Member sharing with 2 other persons</td>
<td>37</td>
</tr>
<tr>
<td>Member sharing with 3 other persons</td>
<td>31</td>
</tr>
</tbody>
</table>

A.5 Rent ceiling – other localities

A.5.1 If a rent ceiling cannot be established for a member under clause A.3 because a base DHA rent cannot be calculated for the member’s locality of posting, the rent ceiling applicable to the member is taken to be the member’s rent contribution.

A.5.2 If the CDF is satisfied, having regard to the factors set out in subclause A.5.3, that a member cannot obtain a rent dwelling within the ceiling applicable to the member under clause A.5.1, the CDF may approve an increased rent ceiling.
A.5.3 The factors for the purpose of subclause A.5.2 are:

(a) market rental conditions at the locality of posting, as substantiated by newspaper advertisements, Real Estate Institute of Australia data and advice from local real estate agents;

(b) the availability of suitable rental dwellings at the locality of posting; and

(c) the number, age, gender and circumstances of the member’s dependants.

A.6 Discretion to increase rent ceiling – circumstances of dependants
A.6.1 If the CDF is satisfied, having regard to the factors set out in subclause A.6.2, that a member cannot obtain a rental dwelling appropriate to the circumstances of the member’s dependants within the ceiling applicable to the member under clause A.3, the CDF may approve an increased rent ceiling.

A.6.2 The factors for the purpose of subclause A.6.1 are:

(a) the number, age, gender and circumstances of the member’s dependants;

(b) any disability that a dependant of the member possesses; and

(c) any other factor relevant to the circumstances of the member’s dependants.

A.7 Discretion to increase rent ceiling – special circumstances
A.7.1 If the CDF is satisfied that a member cannot obtain a rental dwelling within the ceiling applicable to the member under clause A.3 because of unusual and sudden fluctuations in the rental market conditions at the locality of posting which have not been taken into account in determining DHA rents for the locality, the CDF may approve an increased rent ceiling.

A.8 Rent ceiling not to be varied during lease
A.8.1 If, but for this clause, the rate of RA payable to a member who rents a dwelling under a lease would be reduced as the result of a variation under clause A.3 in the rent ceiling applicable to the member, the rent ceiling applicable on the day immediately before the date of the variation is to continue to apply to the member during the period beginning on that date and ending on the day on which the member and any dependants vacate the dwelling.

A.9 Locality of posting for the purpose of rent ceiling
A.9.1 Subject to clause 1.13, a locality at which a member is entitled to RA is taken to be the member’s locality of posting for the purpose of establishing the member’s rent ceiling.

ANNEX B

RENT ALLOWANCE –
CALCULATION OF RENT CONTRIBUTION

B.1 Rent contribution applicable to member
B.1.1 The rent contribution applicable to a member, in relation to RA, is an amount equal to:
(a) in the case of a member with dependants – the rent contribution specified in column 3 of Part 3 of Schedule 4 to Defence Determination 1996/16 opposite the member’s rank group;

(b) in the case of a member with dependants (separated) – nil at the locality where the member is rendering service;

(c) in the case of a member without dependants (other than a member who is posted to a seagoing submarine) who makes an election under paragraph A.4.1(a) of Annex A – 40 per cent of the rent contribution that would apply if the member were a member with dependants; and

(d) in the case of any other member without dependants – the amount of contribution that the member would be required to pay under Part 1 of Schedule 4 to Defence Determination 1996/16, if the member occupied living-in accommodation of the level specified in column 2 of the following table opposite the description of the member’s accommodation arrangements:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member’s accommodation arrangements</td>
<td>Level of living-in accommodation</td>
</tr>
<tr>
<td>Member living as sole occupant</td>
<td>Level 5</td>
</tr>
<tr>
<td>Member sharing with 1 other person</td>
<td>Level 3</td>
</tr>
<tr>
<td>Member sharing with 2 or more other persons</td>
<td>Level 1</td>
</tr>
</tbody>
</table>

B.2 Increased contribution applicable to member on part-time leave without pay

B.2.1 A member who is granted more than 5 days of part-time leave without pay in each pay period during the period of leave is liable to pay a rent contribution equal to 150 per cent of the amount that would otherwise apply to the member under clause B.1.

B.3 Member’s contribution to be increased by rent received from other tenants

B.3.1 If a member with dependants is entitled to RA for a dwelling and receives a payment in the nature of rent from another person with whom the member shares the dwelling (whether by way of subletting or otherwise), then the member’s rent contribution under this Annex is to be increased by the amount of the payment received.
B.4 Contribution not payable in certain circumstances if both spouses are members

B.4.1 If:

(a) a member has a spouse who is also a member; and

(b) one of the members is a member with dependants and the other is a member with dependants (separated) under subclause 7.5 of Defence Determination 1991/45,

then the members jointly are not liable to pay more than one rent contribution in relation to RA and a member’s liability is to be waived if the other member:

(c) occupies a suitable own home; or

(d) has a higher rank group and occupies suitable married quarters or a dwelling for which the member is entitled to RA.
EXPLANATORY STATEMENT

Defence Determination 1998/30

Defence Act 1903

This Determination implements the first stage of revised housing-related entitlements for members of the Australian Defence Force (ADF). It replaces various allowances and contributions formerly authorised by the following determinations:

0503 Temporary Rental Allowance
0504 Temporary Accommodation Allowance
0507 Living Out Allowance
0508 Living Out Away From Home Allowance
2501 Charge for Rations and Quarters
2507 Charge for Excess Water.

The former determinations are repealed by Defence Determination 1998/31, Housing Assistance (Repeal and Consequential Amendments).

The revised scheme features a closer alignment of housing entitlements on equity grounds for members with and without dependants – in particular for those who live out. Eventually, all members who live out in privately rented accommodation and who meet the eligibility conditions are to be entitled under this Determination to assistance with rent only. The amounts formerly provided in this situation for food and meals for members without dependants generally cease on the commencement of this Determination. The amounts for utilities and laundry for such members are to be repealed by further amendment in January 1999 (see notes on Part 6 below). However, entitlements to assistance with rent through Rent Allowance are to be maintained for all members at a level not below the assistance received under the former determinations; in some cases, the level of assistance may be higher.

This Determination introduces new terminology for members in relation to dependants (replacing references to ‘family’ in the former determinations). Defence Determination 1998/32, Definitions and Interpretation of Dependents (Amendment), authorises amendments defining the new terminology and implementing it for all other determinations made under section 58B of the Defence Act 1903 (the Act).

This Determination is set out in six Parts as follows:

- Part 1 deals with preliminary matters;
- Part 2 authorises Temporary Accommodation Allowance (on a similar basis to that formerly set out in Determination 0504);
- Parts 3 and 4 respectively authorise contributions for accommodation and meals payable by members occupying living-in accommodation (representing a separation of the former combined
charge for rations and quarters provided for in Determination 2501);

- Part 5 authorises Rent Allowance for members with and without dependants (subsuming the comparable allowances formerly provided for members with dependants by Determination 0503, for members without dependants by Determination 0507 and for members with dependants (separated) by Determination 0508); and

- Part 6 authorises reimbursements and charges relating to the cost of utilities.

The Determination consolidates most of the ADF housing-related entitlements and charges into a single Determination. New features of the scheme (including five levels of contribution for living-in accommodation by members without dependants) will be progressively implemented over six years, leading to a mature scheme in July 2004. These aspects have been developed following extensive consultation with members. Where the effect of the former provisions is unchanged, some drafting improvements have been made to enhance clarity.

The rates of the various allowances and contributions authorised by this Determination are set out in schedules to Defence Determination 1996/16, as amended by Defence Determination 1998/31.

Where entitlements or reduced liabilities are subject to the discretion of the Chief of the Defence Force (CDF), criteria are provided for the exercise of the discretion and adverse decisions are subject to a redress of grievance process including appeal to the Defence Force Ombudsman.

**Part 1** provides for this Determination to commence on 3 September 1998, the same day as Defence Determinations 1998/31 and 1998/32. Part 1 also defines certain terms used in the Determination and provides interpretation of other expressions, including those relating to the concept of suitable accommodation which underpins several aspects of ADF housing assistance. A general discretion is provided for the CDF to approve a payment to a member in special circumstances that are in keeping with the purpose of the Determination but are not otherwise provided for.

In conjunction with the provisions of clause 1.13, allowances may be paid under other Parts of this Determination in relation to a member or dependants at localities other than the locality at which the member normally performs duty.

**Part 2** sets out the conditions under which members are entitled to Temporary Accommodation Allowance, subject to a contribution representing the normal costs incurred by members generally for accommodation, meals and related expenditure. The entitlement may arise at the time of or during a posting, or in connection with a removal on completion of service or following the death of a member.

Provision is made for appropriate entitlements for members and any dependants occupying hotel/motel style accommodation, serviced apartments or other informal accommodation arrangements. Commonwealth liability is limited (subject to a CDF discretion) to the standard of accommodation that would be appropriate to a member in the context of Travelling Allowance entitlements. The period of entitlement is limited to specified periods, with a discretion for the CDF to extend the periods in certain circumstances.
**Part 3** specifies the conditions under which members must pay a contribution for living-in accommodation (ie a barracks or similar accommodation primarily provided for the use of members without dependants). Such accommodation is graded in five levels of amenity. At this stage, the amount of contribution for all five levels is set at approximately half the former charge for rations and quarters that was payable in the same circumstances. (The other half of the former charge related to meals, as described under Part 4 below.) As noted above, increased contributions that reflect amenity level will be introduced progressively over the next six years.

Provision is made to waive the contribution (eg during initial recruit training and in several other specified cases) or to reduce it in certain circumstances (eg for other trainees – who are typically required to share living-in accommodation – and for members living in accommodation normally provided for lower ranks). A discretion is maintained for the CDF to reduce the higher contribution that would otherwise be payable by a member who continues to live in while on leave without pay (other than part-time leave without pay).

**Part 4** specifies the conditions under which members must pay a weekly contribution for meals regularly provided by the Commonwealth (generally in messes associated with living-in accommodation). Members are exempted from the contribution in situations that broadly coincide with an exemption from the contribution for living-in accommodation under Part 3 (except for members with dependants (separated) and certain trainees, who are exempt under Part 3 but are required to contribute for meals under Part 4 at the locality where they normally live in).

The new provisions promote greater flexibility in that members may elect not to pay for the availability of all meals – in which case they become liable for casual meal charges for each meal actually taken. Certain conditions are specified for the making and revocation of such elections.

Meal contributions and charges may be reduced for members taking meals in a mess provided for lower ranks, or for members with a rank above Corporal who are not provided with full steward service.

A discretion is maintained for the CDF to reduce the higher contribution for meals that would otherwise be payable by a member who continues to live in while on leave without pay (other than part-time leave without pay).

**Part 5** sets out the conditions under which members are entitled to Rent Allowance, subject to a rent contribution based on the overall cost to the Defence Organisation of providing housing of appropriate standards (see Annex B to this Determination). The entitlement is based on the need of a member to rent on the private rental market because suitable Defence housing is not available. This need may arise at the time of posting to a new locality or at any time during a member’s period of posting at a locality.

Transitional provisions are made for cessation of the allowance in various situations that may arise, for example following a family separation or the discharge or death of a member. Provision is also maintained for: prepayment of rent and advances of bond money and related charges; payment of rent without contribution in cases where a member is required for Service reasons to vacate a leased dwelling; and waiver of the suspension of Rent Allowance during leave without pay in certain
circumstances. Commonwealth liability is limited to the rent ceiling applicable to a member as set out in Annex A to this Determination (see below).

**Part 6** authorises reimbursement of the reasonable cost of utilities and laundry for members living without dependants at the locality of posting, if the members are entitled to Rent Allowance or occupy an own home in circumstances that would otherwise qualify for Rent Allowance. The provision derives from former entitlements contained in Determinations 0507 and 0508, and is provided for transitional purposes until the next implementation stage of the new housing assistance arrangements in January 1999. Commonwealth liability and the period of entitlement are limited (subject to CDF discretions) to specified monetary amounts and for up to one month of a temporary absence, respectively.

Part 6 also authorises a contribution (formerly contained in Determination 2507) for water used by members who occupy married quarters. The basis for and amount of the contribution are unchanged.

**Annex A** maintains and consolidates the former provisions of Determination 0503 in relation to establishing and adjusting rent ceilings, representing the upper limit of Commonwealth liability for Rent Allowance. Discretions are also maintained for the CDF to increase a member’s rent ceiling in specified circumstances.

A new provision is included dealing with rent ceilings for members other than members with dependants. These ceilings are set as a percentage of the ceiling that would apply to a 3-bedroom house if the member were a member with dependants with a rank no higher than a Captain in the Army or equivalent. Provision is made for a member with a higher rank to elect for a higher ceiling (and consequently a higher rent contribution). Members who share rented dwellings with other persons are entitled to a specified proportion of the full rent ceiling.

**Annex B** maintains and consolidates the former provisions of Determination 0503 in relation to establishing rent contributions. Those for members with dependants are unchanged and represent a proportion of the general cost of providing ADF housing to the specified rank groups. A provision is maintained for such members’ contributions to be increased by the amount of any payment in the nature of rent received from another person with whom the member shares a dwelling.

Other members are required to make a contribution based on the applicable contribution for living-in accommodation (subject to specified reductions if members share dwellings with other persons).

Provision is maintained for members on part-time leave without pay for more than five days in a pay period to contribute at an increased rate.

A new provision is included limiting or waiving in certain circumstances the rent contribution that would otherwise be payable by a married couple where both spouses are ADF members.

Authority: Section 58B of the Defence Act 1903